

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)
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Masafumi KITAKAZE, et al.) Group Art Unit: 1653
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Serial No.: 09/752,724) Examiner: Rita Mitra, Ph.D.
)
Filed: January 3, 2001)

For: TREATMENT OR PROPHYLAXIS OF ISCHEMIC HEART DISEASE

MAIL STOP ISSUE FEE

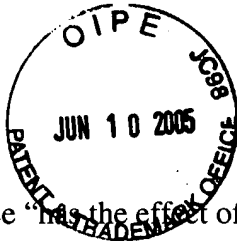
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicants appreciate the Notice of Allowability dated March 10, 2005 ("the Notice"). In the Notice, the Examiner offered a Statement of Reasons for Allowance. Pursuant to 37 C.F.R. §1.104(e) and M.P.E.P. § 1302.14, Applicants make the following comments in response thereto.

Applicants respectfully submit that the comments provided in the Statement of Reasons for Allowance improperly characterized the claimed invention by limiting the scope of the independent claims. Specifically, the Reasons for Allowance stated, "wherein the substance as an active ingredient is a natriuretic peptide comprising atrial natriuretic peptide (ANP), brain natriuretic peptide (BNP) or C-type natriuretic peptide (CNP)." *See* pages 2-3 of the Notice. However, Applicants submit that the active ingredients of the claimed invention are not limited to ANP, BNP and CNP. Indeed, independent claims 6 and 11 are not limited to ANP, BNP and CNP. In addition, on page 2 of the Reasons for Allowance, the Examiner states that the substance "has the effect of reducing an infarct region during ischemia reperfusion therapy"; however, this statement ignores the fact that the substance can have the effect of reducing an infarct region *following* ischemia reperfusion therapy. Accordingly, Applicants provide these comments to clarify that the claimed invention is not limited to the active ingredients recited by



the Examiner, and that the substance "has the effect of reducing an infarct region during and/or following ischemia reperfusion therapy."

CONCLUSION

It is not believed that any fees are due in connection with this filing. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0206.

Respectfully submitted,

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Dated: June 10, 2005

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